

**Decision Taker:**

*Ken Miles, Head of Corporate & Community Services*

**Subject:**

*ENF 9021: Failure to comply with the requirements of an Enforcement Notice*

**Record of Decision Taken:**

*To proceed with injunctive action against Mr William Thomas McClenaghan and Mrs Erica McClenaghan for failing to comply with the requirements of an Enforcement Notice*

**Reason(s) for the Decision:**

*An Enforcement Notice was issued on the 8<sup>th</sup> September 2016 in respect of unauthorised development at Ashelford Farm, East Down, Barnstaple, North Devon EX31 4LU in relation to the erection of a single dwelling house and an associated observatory. The Enforcement Notice requires the cessation of the use of the buildings as a single dwelling house and associated observatory as well as the removal of the first floor staircase, internal fixtures and fittings (including roof windows and roof lights) relating to the residential use as a single dwelling house and the demolition and removal of the observatory.*

*Following a site visit on 22<sup>nd</sup> February 2018 it has been established that the requirements of the Enforcement Notice have not been complied with.*

**Alternative Options considered and rejected at the time of the decision:**

*Almost a year has elapsed since the Enforcement Notice came into effect. The Local Planning Authority has recently declined to determine retrospective planning applications to 64483 and 64491 to regularise the unauthorised developments.*

**Declaration of any Conflict of Interest made by any Councillor consulted by the officer or declared when granting the specific authorisation to take the decision (including details of any dispensations granted by the Ethics Committee) *Not Applicable***

**List Of Background Papers** that were relied on in making the decision or the decision is based (but not including published works or those which disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor)

- *Confidential at this time*

**Date that decision was taken:** *2<sup>nd</sup> August 2018.*

**Signature of Decision Maker:**



## **GUIDANCE NOTES TO OFFICERS:**

**Exempt/Confidential information:** Please note that the contents of the decision or background papers must not disclose exempt or confidential information (as defined in rule 10 of appendix 15 (Access to Information Procedural Rules) and the advice of a political advisor) as the record of decision is a public record.

**Publication of record:** Please forward the decision together with any background papers that have not already been published to Member Services for publication. The record and background papers must be kept by the decision taker for **6 years** from the date that the decision was taken.